IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1477 OF 2006
IN
SUIT NO.2435 OF 2005

Parmanand Patel and another Plaintiffs

versus

Sudha Chowgule and others Defendants

Mr.D.D.Madon i/by M/s.Crawford Bayley & Co. for defendant no.1.

Mr.S.H.Doctor, Sr.Counsel with mr.F.Divitre i/by Federal & Rashmikant for defendant no.2.

Mr.Janak Dwarkadas, Sr.Counsel i/by M/s.Bachubhai Munim & Co. for defendant no.3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th June 2006

PC :

1. Shri Doctor - learned senior counsel appearing in support of this Motion states that this motion was moved by the applicant to seek permission of this Court to enter into an agreement with M/s.Hutchison Essar Limited. The permission was sought to enable plaintiff nos.1 and 2 to enter into an agreement of leave and licence.

2. After this motion was moved, time was sought to file affidavit in reply which was granted to first defendant. A rejoinder affidavit was also filed. In the mean while first defendant made a statement that some other parties were also interested in making offer.

3. However, when this motion was placed before me today Shri Doctor makes a statement that M/s.Hutchison Essar Limited is no longer interested in entering into any agreement in respect of the premises which are subject matter of this Notice of Motion.

4. This fact is not disputed by Shri Madon. There is no other offer either from M/s.Fortis Limited or others. In the light of the above development, this motion does not survive and accordingly disposed of with liberty to applicant as also parties to the suit, to apply for appropriate reliefs. I am informed that ad-interim order passed by this Court in Notice of Motion No.2620 of 2005 is subject matter of challenge in Appeal No.866 of 2005 and the said Notice of Motion itself will be heard by Division Bench. Needless to state that after the hearing

is concluded and orders are passed by Division Bench, parties shall have liberty to apply for appropriate reliefs in terms of the order passed by Division Bench as well. Notice of Motion is disposed of. No order as to costs. All contentions on merits are expressly kept open.

(S.C.DHARMADHIKARI, J.)